

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR HENRY COUNTY)

Case No. 33S00-1406-MS-

429

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Henry Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Henry Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR33-AR00-1 and LR33-CP00-01-10 comply with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR33-AR00-1 and LR33-CP00-01-10 for Henry Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective July 1, 2014. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Kit C. Dean Crane, Henry Circuit Court 2, 1215 Race Street, #320, New Castle, IN 47362; the Hon. Mary G. Willis, Henry Circuit Court 1, 1215 Race Street, #340, New Castle, IN 47362; the Hon. Bob A. Witham, Henry Circuit Court 3, 1215 Race Street, #220, New Castle, IN 47362; to the Clerk of the Henry Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Henry Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on June 25, 2014.

Brent E. Dickson
Chief Justice of Indiana

LR33-CP00-1 CRIMINAL CASE ASSIGNMENT

The criminal case assignment for all offenses allegedly occurring prior to July 1, 2014 shall be filed pursuant to the Henry County Local Rules effective January 1, 2013.

All misdemeanor cases shall be filed in Henry Circuit Court 3.

All Level 6 felonies shall be filed in Henry Circuit Court 3 except the following: which shall be filed randomly in Circuit Court 1 and Circuit Court 2:

1. Neglect of a dependent and offenses against the family under I.C. 35-46-1-1 et. seq.
2. Felony non-support, I.C. 35-46-1-5
3. Welfare fraud, I.C. 35-43-5-7
4. Failure to Register as a Sex Offender, I.C. 11-8-8 et. seq;
5. Domestic Battery, Level 6
6. Strangulation, Level 6, I.C. 35-42-2-9
7. Controlled Substances, I.C. 35-48-4- et. seq,

All Level 1, 2, 3, 4, 5, and Level 6 Felonies outlined above shall be filed randomly in Henry Circuit Court 1 or Henry Circuit Court 2. The case shall be assigned according to the highest level charge. Cases filed against other defendants arising out of the same fact situation which are joinable by law shall be filed in the same court.

All homicide cases shall be filed alternately in Henry Circuit Court 1 and Henry Circuit Court 2. The first such homicide shall be filed in Henry Circuit Court 1 with the second in Henry Circuit Court 2 alternating thereafter. The order of filing shall continue on an alternate basis according to the existing rule in effect prior to the adoption of these rules.

In the event that a filing in Henry Circuit Court 3 causes the Judge in that Court to believe that the matter cannot be tried within 3 days or less, then that Judge shall have the option of causing that case to be reassigned to either Henry Circuit Court 1 or Henry Circuit Court 2. The case to be reassigned will be sent to the Henry County Clerk's office for reassignment based upon the random manner set forth herein.

The Henry County Clerk shall maintain a lottery system using pieces of paper or other devices by which certain designations for Henry Circuit Court 1 and Henry Circuit Court 2 shall be placed thereon. The Clerk shall cause an equal number of pieces of paper or other devices to be placed in a container. At the time a case is filed or reassigned requiring that the Court be selected randomly, the Clerk or the Clerk's representative shall pull out of the container one piece of paper or other device and assign the case to the Court designated on the paper or other device pulled out by the Clerk or the Clerk's representative. Due to the random nature of such a system, it may become necessary for the undersigned Judges to adjust the number of pieces of paper or devices in the Clerk's container.

Once a case has been assigned in accordance with the provisions set out herein, the case cannot be assigned to another judge by dismissal and refileing if the second filing is based on the same underlying incident.

(Amended effective July 1, 2014)

LR33-AR00-01 COUNTY CASELOAD ALLOCATION PLAN

01-10 The Circuit Courts of Henry County have adopted a rule for criminal random filing (LR33-CP00-1). While it is the intent to allow the citizens and bar to have flexibility in filing all other types of cases, the Courts now adopt this rule setting forth certain limitations on filing in order to comply with Indiana Supreme Court Administrative Rule 1(E). This rule shall be subject to the family court rules in existence for filing and transfer of cases.

01-20 All small claims shall be filed in Circuit Court No. 3

01-30 All CHINS cases shall be filed in Circuit Court No. 1 along with 2/3 of all other miscellaneous juvenile matters with the remaining 1/3 of juvenile matters to be filed in Circuit Court 2. All Sex Offender Registry and Civil Cases filed by inmates at the New Castle Correctional Facility shall be filed in Circuit Court No. 2.

01-40 Dissolution of marriage and paternity actions shall be filed in Circuit Court No. 1 or Circuit Court No. 2. Pro-se dissolution of marriage actions shall be filed alternately in Circuit Court No. 1 and in Circuit Court No. 2. Paternity actions filed by the prosecuting attorney shall be filed in such a manner as to approximate an equal division of such cases between Circuit Court No.1 and Circuit Court No. 2.

01-50 Protective order actions shall be assigned by the Clerk in such a manner as to approximate a division of such cases between Circuit Court No. 1 and Circuit Court No. 2 except that protective orders involving cases where the parties in the protective order case are involved in a dissolution of marriage, paternity or prior protective order action in this county, the protective order case shall be filed in the same court where the dissolution, paternity or prior protective order case is pending. Existing protective order cases shall be transferred to the court where any dissolution of marriage or paternity action is later filed involving the same parties. If a protective order application is denied then all further applications for a protective order involving the same parties shall be filed in the same court and shall note on the application the cause number of the previously denied application.

01-60 The judges of Henry Circuit Courts shall meet at least annually for the purpose of reviewing the weighted caseload of each court or at any other time as may be necessary to comply with the orders of the Indiana Supreme Court.

(Amended effective January 1, 2013)